IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 3579 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. M.S. Topkir for the petitioner.
Mr.G.S. Hegde for the respondent.

CORAM : Dr. D.Y. CHANDRACHUD, J.
DATE : 30TH JUNE, 2006

P.C.

. The Complaint of unfair labour practice was dismissed by the Labour Court and the order of dismissal was confirmed in revision.

2. The petitioner was an ST bus driver. On 5th September, 1992, while he was plying bus No.MH 12 F 4379 between Kolhapur and Panaji the bus was apprehended near the Radhanagari Police Station. In presence of Police,

passengers and witnesses 53 bottles of liquor were found concealed in a gunny bag in the cabin of the petitioner who was driving the vehicle. A panchanama was carried out by the police. The statements of the passengers and of the conductor were recorded. Though the learned Counsel appearing on behalf of the petitioner sought to press certain discrepancies, unlike in a criminal matter in which the case is required to be proved beyond reasonable doubt, the standard of proof in a departmental enquiry is that the misconduct has to be proved on a preponderance of probabilities. The labour Court held that the findings in the enquiry are not perverse. The acquittal by the Criminal Court would not be conclusive so far as the disciplinary matter is concerned. There is no merit in the petition.

. The petition is dismissed.

(DR. D.Y. CHANDRACHUD, J.)